BOMBAY ACT No. XXX OF 1949.[1]

[THE BOMBAY MERGED AREAS (AMENDMENT OF LAWS) ACT 1949.]

[*7th June 1949*]

Amended by Bom. 22 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act to amend certain laws in their application to the areas merged in the Province of Bombay.

WHEREAS it is expedient to amend certain laws in their application to the areas merged in the Province of Bombay; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Merged Areas (Amendment of Laws) Act, 1949.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Merged areas" means the areas specified in [2][Parts I, II and III] of the Schedule which are included in the [3][State] of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, [4][or the Bombay (Enlargement of Area and Alteration of Boundries) (Amendment) Order, 1948] as the case may be;

(*2*) "Schedule" means the Schedule appended to this Act.

Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to certain merged areas.

3. Notwithstanding anything contained in the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, the Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the merged areas specified in Part I of the Schedule, be subject to the following modifications, namely :—

Bom. XXVIII of 1947.

In the said Act,—

(*1*) in section 2,—

(*a*) in clause (2), "co-operative society" shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the merged areas or a society registered under the said Act;

Bom. VII of 1925.

(*b*) in clause (5),—

(*i*) for the figures, letters and word "30th January 1940", wherever they occur, the figures, letters and word "1st January 1948" shall be substituted;

(*ii*) for the words "the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act" wherever they occur, the words, figures and letters "the 15th day of September 1948" shall be substituted;

(*2*) in section 4, for sub-section (*1*) the following sub-section shall be substituted, namely :—

"(*1*) Any debtor ordinarily residing in any local area or his creditor may make an application before the 30th September 1949 to the Court for the adjustment of his debts";

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Pt. V, page 57.

[2] The words and figures "Parts I, II and III" were substituted for the words and figures "Parts I and II" by Bom. 22 of 1950, s. 4 (*1*) (*a*).

[3] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[4] This portion was inserted by Bom. 22 of 1950, s. 4 (*1*)(*b*).

(*3*) in section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "1st January 1948" shall be substituted;

(*4*) in section 22, the following proviso shall be added at the end, namely :—

"Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in a merged area relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties;

(*5*) in section 23, in the proviso, after the figures "1879." the words "or any enactment corresponding thereto" shall be inserted;

(*6*) in section 24, in sub-section (*2*), for the figures, letters and word "1st August 1947" the figures, letters and word "30th September 1949" shall be substituted;

(*7*) in section 25,—

(*a*) in clause (*i*), the words and figure "or by a Board established under section 4 of the repealed Act" shall be deleted;

(*b*) in clause (*ii*) for the figures, letters and words "15th day of February 1939" the figures, letters and word "1st January 1948" shall be substituted;

(*8*) in section 32, in sub-section (*2*),—

(*a*) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance,";

(*b*) in the Explanation the words "under the repealed Act" and the words "under this Act" shall be deleted;

(*9*) in section 56, in sub-section (*1*),—

(*a*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act" the words and figures "any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in any of the merged areas, such enactment" shall be substituted; XVII of 1879. Bom. XXVIII of 1939. XVII of 1879.

(*b*) the words and brackets "with effect from the date of the coming into operation of this Act (hereafter in this section referred to as the said date)" shall be deleted;

(*c*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 26th day of May 1950" shall be substituted;

(*d*) for the first proviso, the following proviso shall be substituted, namely :—

"Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as

XVII of 1879.

if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date ".

Bom. XXVIII of 1947.

Further amendments of Bombay Agricultural Debtors Relief Act, 1947, in its application to merged areas.

[1][3A. In the Bombay Agricultural Debtors Relief Act, 1947, as modified in its application to the merged areas specified in Parts II and III of the Schedule by Government Order in the Revenue Department No. 5771/45 (*a*), dated the 9th December 1948, the following amendments shall be made namely :—

(*i*) In sub-section (*1*) of section 4, for the words, letters and figures " before the 15th June 1949 ", the words, letters and figures " on or before the 15th June 1949 " shall be substituted.

(*ii*) in sub-section (*2*) of section 24, for the figures, letters and word " 15th June 1949 ", the figures, letters and word " 16th June 1949 " shall be substituted.]

Bom. XXVIII of 1947.

Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to other merged areas.

4. The Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the merged areas specified in Part II of the Schedule, be subject to the following modifications, namely :—

In section 56 of the said Act, in sub-section (*1*),—

(*1*) for the words beginning with the words " On the expiry" and ending with the words " to have force ", the following shall be substituted, namely :—

" Notwithstanding the repeal of any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in any of the merged areas, such enactment shall, in so far as it applies to transactions and proceedings to which this Act does not apply, be deemed to have been re-enacted and shall continue in force up to the 26th day of May 1950 :

XVII of 1879.

Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date " ;

XVII of 1879.

(*2*) for the words " Provided that " the words " Provided also that " shall be substituted.

Bom. LXVII of 1948.

Amendment of Bombay Tenancy and Agricultural Lands Act, 1948, in its application to certain merged areas.

5. Notwithstanding anything contained in the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, the Bombay Tenancy and Agricultural Lands Act, 1948, shall, in its application to the merged areas specified in Part I of the Schedule, be subject to the following modifications, namely :—

In the said Act,—

(*1*) in section 2, in clause (*3*), " co-operative society " shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the merged areas or a society registered under the said Act ;

Bom. VII of 1925.

(*2*) in column 4 of the Schedule appended to the said Act,—

(*a*) in section 3A of the Bombay Tenancy Act, 1939, referred to therein, for the words and figures " the eighth day of November 1947 " the words and figures " the nineteenth day of January 1949 " shall be substituted ;

(*b*) in the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) reference to " section 9 of the Bombay Small Holders Relief Act, 1938 " shall be read as reference to " any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in force in any of the merged areas ; "

Bom. VIII of 38.

[1] Section 3A was inserted by Bom. 22 of 1950, s. 4 (*2*).

(*ii*) for the words and figures " the eighth day of November 1946 " the words and figures " the nineteenth day of January 1948 " shall be substituted ;

(*c*) in sub-section (*2*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) for the words and figures " the eighth day of November 1946 " the words and figures " the nineteenth day of January 1948 " shall be substituted ;

(*ii*) in clause (*b*) (*i*) for the figures, letters and words " 31st day of May 1947 " the figures, letters and words " 31st day of May 1949 " shall be substituted ;

(*iii*) in clause (*b*) (*ii*), for the figures, letters and words " 1st day of June 1947 " the figures, letters and words " 1st day of June 1948 " shall be substituted.

Amendment, of Bombay Tenancy and Agricultural Lands Act, 1948, in its application to other merged areas.

6. Notwithstanding anything contained in the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, the Bombay Tenancy and Agricultural Lands Act, 1948, shall, in its application to the merged areas specified in Part II of the Schedule, be subject to the following modifications, namely :— Bom. LXVII of 1948.

In the said Act,—

(*1*) in section 2, in clause (*3*), " co-operative society " shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the merged areas or a society registered under the said Act ; Bom. VII of 1925.

(*2*) in column 4 of the Schedule appended to the said Act,—

(*a*) in section 3A of the Bombay Tenancy Act, 1939, referred to therein, for the words and figures " the eighth day of November 1947 " the words and figures " the tenth day of June 1949 " shall be substituted ;

(*b*) in the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) reference to " section 9 of the Bombay Small Holders Relief Act, 1938 ", shall be read as reference to " any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in force in any of the merged areas ; " Bom. VIII of 1938.

(*ii*) for the words and figures " the eighth day of November 1946 " the words and figures " the tenth day of June 1948 " shall be substituted ;

(*c*) in sub-section (*2*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) for the words and figures " the eighth day of November 1946 " the words and figures " the tenth day of June 1948 " shall be substituted ;

(*ii*) in clause (*b*) (*i*) for the figures, letters and words " 31st day of May 1947 " the figures, letters and words " 31st day of May 1949 " shall be substituted ;

(*iii*) in clause (*b*) (*ii*). for the figures, letters and words " 1st day of June 1947 " the figures, letters and words " 1st day of June 1949 " shall be substituted.

Santhalpur Thana.

138. Dhokwada.
139. Rajusara.
140. Par.
141. Bakutra.
142. Mora Pati.
143. Nanda Pati.
144. Pipralia.
145. Sanva.
146. Barala.
147. Vahuva.
148. Dhadalia Padar.
149. Eval.
150. Jakhotra.
151. Charanka.
152. Chhanasara.
153. Madhutra.
154. Anternes (Jadeja).
155. Anternes (Rahumas).
156. Garmdi.
157. Adesar.
158. Varnosari.
159. Zazam.
160. Boru.
161. Kilana.
162. Dhrechana.
163. Chalanda.
164. Soneth.
165. Masali.
166. Limbuni.
167. Babra.

Varahi Thana.

168. Varahi.
169. Korda.
170. Gadha.
171. Unrot.
172. Zundada.
173. Jhekda.
174. Koliwada.
175. Daisar.
176. Daldi.
177. Bamroli.
178. Gokhantar.
179. Inderva Juna Vas.
180. Inderva Nava Vas.
181. Sadev.
182. Sidhada.
183. Chichodral.
184. Thanvad.
185. Lodra and Unnadi.
186. Saiyadpur.
187. Daigamda.
188. Uchosan.

Mahi Kantha Region.

189. Bhalusna.
190. Bolundra.
191. Dabha.
192. Dadhalia.
193. Dadhrota.
194. Derol.
195. Gabad.
196. Hadol.
197. Hapa.
198. Kadoli.
199. Khedwada.
200. Likhi.
201. Magodi.
202. Palaj.
203. Prempur.
204. Ramas.
205. Rupal.
206. Sathamba.
207. Satlasna.
208. Tajpuri.
209. Vadagam.
210. Vakhtapur.

Gadhwada Thana.

211. Mota Kothasna.
212. Umbri.
213. Nana Kothasna.
214. Timba.
215. Dedasan.
216. The Thakor of Undnils estate in the Hadol Taluka.
217. Nedardi.
218. Ambavada.
219. Vinchhi.
220. Chandap.
221. Gazipur.
222. Mohor.

Katosan Thana.

223. Maguna.
224. Deololi.
225. Rampura.
226. Tejpura.
227. Virsoda.
228. Kasalpura.
229. Ranipura.
230. Memadpura.
231. Ijpura (Jethajina).
232. Ijpura (Barotna).

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1. Amraji-na-Muada.
2. Harkhji-na-Muada.
3. Vatva.
4. Bardoli.
5. Harsoli.
6. Lawad.
7. Palundra.
8. Dabhoda.
9. Vedodra.
10. Siawada.
11. Salki.
12. Anguthla.
13. Rakhial.
14. Khanpur.
15. Lihoda.
16. Kalyanji-na-Muada.
17. Sahebji-na-Muada.
18. Kadjodra.
19. Sametri.
20. Barmuada.

VATRAK KANTHA THANA.

21. Nirmali.
22. Jehar.]

[1] Part III was added by Bom. 22 of 1950, s. 4 (*3*).

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